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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,097	02/12/2002	Carl L. Barcock	84571 2865 KAW	3688

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EXAMINER

KRAMER, DEVON C

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/073,097

Applicant(s)

BARCOCK ET AL.

Examiner

Devon C Kramer

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 2-8 and 12-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DEVON C. KRAMER  
PATENT EXAMINER  
5/15/03

**DETAILED ACTION**

***Election/Restrictions***

- 1) Applicant's election without traverse of species 9 in Paper No. 5 is acknowledged.
- 2) Claims 2-8 and 12-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

***Drawings***

- 3) Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

- 4) The disclosure is objected to because of the following informalities:  
Page 3 line 21 cites "per cent" which should be --percent--;  
Page 15 line 34 cites "walls 86, 88" which should be --walls 86, 89--. Please note that this occurs throughout the specification.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

- 5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6) Claims 1 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al (JP 11217891).

In reference to claims 1 and 9-10, Kobayashi et al provides a friction vibration damper for damping the vibrations of a vibrating component comprising: a body (1), a chamber and a plurality of elements (5); the body defines the chamber which is partially filled with the plurality of elements; the damper is disposed on or in the vibrating component and characterized in that the friction vibration damper is configured to substantially prevent the elements from operationally moving in a convection-like flow pattern. Please note that the division element or baffle (3) prevents the elements from moving in a convection like flow pattern because it limits the extent .

7) Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Jeram (4011929).

In reference to claim 1, Jeram provides a friction vibration damper for damping the vibrations of a vibrating component comprising: a body (2), a chamber and a plurality of elements (10); the body defining the chamber which is partially filled with the plurality of elements; the damper disposed on or in the vibrating component characterized in that the friction vibration damper is configured to substantially prevent

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the elements from operationally moving in a convection-like flow pattern. Please note that the particles of Jeram are prevented from moving in a convection like pattern because of the motion of the piston and rod. The piston and rod are what cause the particles to move. Please note that this reference was used to indicate the broadness of applicants claim.

8) Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kim (6298963).

In reference to claim 1, Kim provides a friction vibration damper for damping the vibrations of a vibrating component comprising: a body (35), a chamber and a plurality of elements (30); the body defining the chamber which is partially filled with the plurality of elements; the damper disposed on or in the vibrating component characterized in that the friction vibration damper is configured to substantially prevent the elements from operationally moving in a convection-like flow pattern. Please note that the particles of Kim are prevented from moving in a convection like pattern because the particles extensively fill the free space in the damper and therefor are limited in the amount the particles can move.

***Claim Rejections - 35 USC § 103***

9) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10) Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kobayashi et al.

Kobayashi et al is silent to the material used for the baffle.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the baffle of Kobayashi with a mesh structure in order to reduce the overall weight of the structure while still ensuring functionality of the baffles.

### ***Conclusion***

11) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kwoh, Monson, Walk, Inman et al, Misaji et al, De Vost et al, and Radermacher et al all provide dampers with particles enclosed in a chamber.

12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3519 for regular communications and 703-308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

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DK  
May 15, 2003

DEVON C. KRAMER  
PATENT EXAMINER  
*Devon C. Kramer*  
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